

REMARKS

Claims 1-34 and 37-46 are pending in the application and stand rejected. Claims 1, 23-26, 31, and 32 have been amended. Claims 28-30, 33, and 34 have been canceled. Reconsideration and allowance of Claims 1-27, 31, 32, and 37-46 in view of the above amendments and following remarks is respectfully requested.

The Claim Amendments

Claims 1, 23-26, 31, and 32 have been amended and Claims 28-30, 33, and 34 have been canceled.

Claim 1 has been amended by deleting the recitation "ester or prodrug thereof." As noted by the Examiner, it was applicants intention to so amend Claim 1 in the response to the first Examiner's Action. Applicants inadvertent failure to amend Claim 1 in that response has been corrected in this amendment.

Claim 23, directed to a composition comprising the compound of Claim 1, has been amended for the purpose of clarity.

To advance to issuance a patent directed to subject matter indicated by the Examiner to be allowable, Claims 24-26, 31, and 32 has been amended to recite a method for treating breast cancer and Claims 28-30, 33, and 34 have been canceled. Claim 31 has been amended to depend from amended Claim 26. The amendment of Claims 24-26, 31, and 32 and the cancellation of Claims 28-30, 33, and 34 are made without acquiescence to the Examiner's rejection of claims, without abandonment of the invention of the canceled claims, and without prejudice to applicants to seek patent protection for the subject matter of the canceled claims by filing a patent application in the future.

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The Rejection of Claims 1-34 and 37-46 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-34 and 37-46 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Withdrawal of the rejection is requested for the following reasons.

The Examiner states that the recitation of "ester or prodrug thereof" in Claim 1 renders Claim 1 and its dependent claims indefinite. As previously stated, although applicants respectfully disagree with this rejection, in order to expedite issuance of a patent, Claim 1 has been amended by deleting the phrase "ester or prodrug." In view of the amendment to Claim 1, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 1-34 and 37-46 Under 35 U.S.C. § 112, First Paragraph

Claims 1-34 and 37-46 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while enabling for salts of the claimed compounds, does not reasonably provide enablement for prodrug or esters of the claimed compounds. As previously stated, although applicants respectfully disagree with this rejection, in order to expedite issuance of a patent, Claim 1 has been amended by deleting the phrase "ester or prodrug." In view of the amendment to Claim 1, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 23-34 Under 35 U.S.C. § 112, First Paragraph

Claims 23-34 stand rejected under 35 U.S.C. § 112, first paragraph. The Examiner states that the specification, while enabling for treating breast cancer, does not reasonably provide enablement for treating any or all abnormal cell growth or any or all cancers or any or all proliferation of capillary. Although applicants respectfully disagree with this rejection, in order to expedite issuance of a patent, Claim 26 has been amended to recite a method for treating breast cancer. Claim 23 has been amended to clarify the invention. Claims 24, 25, 31, and 32 have been amended to recite breast cancer. Claims 28-30, 33, and 34 have been canceled. In

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view of the amendment to Claims 23-26, 31, and 32 and the cancellation of Claims 28-30, 33, and 34, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and foregoing remarks, applicants believe that Claims 1-27, 31, 32, and 37-46 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

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